

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:17-mj-00001

DAVID STEFAN HARLESS

MEMORANDUM OPINION and ORDER
SEALING DOCUMENT

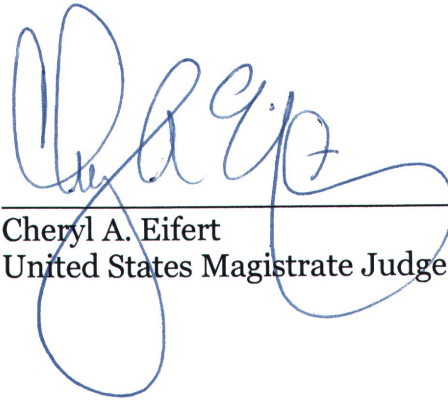
The Court has received a forensic evaluation from FMC-Butner regarding Defendant's status in connection to the instant matter, attached hereto. Due to the highly confidential nature of the attached document, the Court **ORDERS** that it be filed as **SEALED**.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the attached document shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but the attached document contains specially protected health information, and no alternatives to sealing the document are feasible.

Moreover, the public's right to be informed is greatly outweighed by the interests to be protected in this circumstance. Accordingly, the Court finds that sealing the attached document does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant and all counsel of record.

ENTERED: June 15, 2017

A handwritten signature in blue ink, appearing to read "Cheryl A. Eifert", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Cheryl A. Eifert
United States Magistrate Judge